

FILED

2012 AUG 24 PM 2:58  
CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.  
LOS ANGELES

BY \_\_\_\_\_

LAW OFFICES OF ODION L. OKOJIE  
Odion L. Okojie, SBN: 164931  
880 West First Street, Suite 313  
Los Angeles, CA 90012  
Telephone: (213) 626-4100  
Telefax: (213) 626-6900  
Email: Okojielaw@aol.com

DAVID IYALOMHE & ASSOCIATES  
DAVID IYALOMHE, SBN: 222396  
880 West First Street, Suite 313  
Los Angeles, CA 90012  
Telephone: (213) 626-4100  
Telefax: (213) 626-6900  
Email: david@doialaw.com

Attorneys for Plaintiffs: JULIA WORTH STURM, SANDRA STURM, HOPE MAGEE,  
PAULYISHA SHAW, JACOREY SHAW, CHARLES SHAW, MARLENE MICHELE  
MOORE, ALFONZIA JASON MOORE, PAUL PERSON, MARLENE MOORE, MICHELE  
PERSON, and ALMALIA OCON, individuals

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JULIA WORTH STURM, an individual;  
SANDRA STURM, an individual;  
HOPE MAGEE, an individual;  
PAULYISHA SHAW, an individual;  
JACOREY SHAW, an individual;  
CHARLES SHAW, an individual;  
MARLENE MICHELE MOORE, an individual;  
ALFONZIA JASON MOORE, an individual;  
PAUL PERSON, an individual;  
MARLENE MOORE, an individual;  
MICHELE PERSON, an individual;  
and ALMALIA OCON, an individual;

PLAINTIFFS,

vs.

DAVLYN INVESTMENTS, INC, a California  
Corporation; DLGP AVENTINE, LLC, a  
California Limited Liability Company;  
and others to be joined under Rules 19  
of the Federal Rules of Civil Procedure

DEFENDANTS.

COME NOW Plaintiffs JULIA WORTH STURM, SANDRA STURM, HOPE MAGEE,

CV12-7305 - DMG (AGR)  
COMPLAINT FOR DAMAGES  
AS A RESULT OF  
DISCRIMINATORY HOUSING  
PRACTICES DIRECTED AT  
PLAINTIFFS IN VIOLATION  
OF FEDERAL AND STATE  
FAIR HOUSING LAWS

PLAINTIFFS DEMAND JURY  
TRIAL



1 PAULYISHA SHAW, JACOREY SHAW, CHARLES SHAW, MARLENE MICHIELE  
2 MOORE, ALFONZIA JASON MOORE, PAUL PERSON, MARLENE MOORE, MICHELE  
3 PERSON, and ALMALIA OCON (hereinafter collectively known as "Plaintiffs"), and pursuant  
4 to Rule 8(a) of the Federal Rules of Civil Procedure set forth the following allegations in  
5 support of their claims for relief against Defendants in this action:

#### 6 I. JURISDICTION AND VENUE

7 1. PLAINTIFFS bring this action to enforce the provisions of the State of California and  
8 federal fair housing laws, including but not limited to the provisions of Title VIII of the Civil  
9 Rights Act of 1968 (the Fair Housing Act), as amended by the Fair Housing Amendments Act  
10 of 1988, 42 U.S.C. §§ 3601 et seq.; laws and statutes of the State of California, especially Civil  
11 Code § 51, et seq. (The Unruh Civil Rights Act); and California Government Code § 12900, et  
12 seq., commonly known as the California Fair Employment and Housing Act (FEHA).

13 2. This Court has jurisdiction over this action under the provisions of 28 U.S.C. § 1331,  
14 1343 and 1345 and 42 U.S.C. §§ 3601-3619. The Court has supplemental jurisdiction pursuant  
15 to 28 U.S.C. § 1367 to hear and determine Plaintiffs' state law claims because the claims are  
16 related to Plaintiffs' federal claims and arise out of a common nucleus of operative facts.  
17 Plaintiffs' state and federal claims form part of the same or similar case or controversy under  
18 Article III of the constitution of the United States of America.

19 3. The venue of this action is properly in the United States District Court for the Central  
20 District of California pursuant to 42 U.S.C. §§ 1391(b) and 42 U.S.C. 3612(o) as all of the  
21 events or omissions giving rise to these claims occurred in this judicial district and within the  
22 County of Los Angeles, State of California. The Court has authority to grant declaratory and  
23 injunctive relief as well as punitive damages pursuant to 42 U.S.C. § 3612(o)(3), and 42 U.S.C. §  
24 3613(c)(1) and also award Plaintiffs their reasonable attorneys' fees and costs pursuant to 42  
25 U.S.C. § 3613(c)(2).

26 ///

#### 27 II. PARTIES



1 4. Plaintiffs and each of them, were and have at all times herein mentioned been American  
2 citizens residing at apartment units at the real property known as The Aventine at West Hills,  
3 which is located at 21450 Chase Street, in the City of Canoga Park, County of Los Angeles,  
4 State of California (hereinafter called "Subject Property.")

5 5. For purposes of the State of California and federal fair housing and civil rights laws,  
6 Plaintiff JULIA WORTH STURM ("Plaintiff J.W. STURM") is a competent adult Caucasian  
7 female who suffers from chronic pain syndrome, a physical and psychological disability which  
8 impairs her mobility and she is associated with the other disabled and African American  
9 Plaintiffs who were discriminated against during Plaintiffs' tenancy at the Subject Property on  
10 account of their race, color and disability.

11 6. Plaintiff SANDRA STURM is the daughter of handicapped Plaintiff J.W. STURM and  
12 is "associated with" the handicapped Plaintiffs, including Plaintiffs J.W. STURM and Plaintiff  
13 M.M. MOORE and the African American Plaintiffs-tenants at the Subject Property within the  
14 meaning of federal and State of California fair housing laws, including 42 U.S.C. §  
15 3604(f)(2)(c). Both Plaintiffs J.W. STURM and SANDRA STURM shall hereinafter be referred  
16 to as "STURM Plaintiffs." All of the STURM Plaintiffs are adult citizens of the United States.

17 7. Plaintiffs HOPE MAGEE, PAULYISHA SHAW, JACOREY SHAW, and CHARLES  
18 SHAW (hereinafter collectively called "MAGEE Plaintiffs") are African Americans who  
19 resided at the Subject Property at relevant times to this action. The MAGEE Plaintiffs are all  
20 adult citizens of the United States.

21 8. Plaintiff MARLENE MICHELE MOORE (hereinafter referred to as "Plaintiff M.M.  
22 MOORE") is an African American disabled person who suffers from high blood pressure, had  
23 two artificial knees replacement with two discs surgery on her back which impairs her mobility  
24 and therefore permanently uses a wheelchair to move about. Plaintiff M.M. MOORE resided at  
25 the Subject Property with co-Plaintiffs ALFONZIA JASON MOORE, PAUL PERSON,  
26 MARLENE MOORE, MICHELE PERSON and AMALIA OCON, who were all co-tenants as  
27 well as provided support and care to Plaintiff M.M. MOORE and were all "associated with"  
28



1 Plaintiff M.M. MOORE within the meaning of federal and State of California fair housing laws,  
2 including 42 U.S.C. § 3604(f)(2)(c) . Plaintiffs M.M. MOORE, ALFONZIA JASON MOORE,  
3 PAUL PERSON, MARLENE MOORE, MICHELE PERSON and AMALIA OCON are all  
4 adult citizens of the United States and shall hereinafter be collectively referred to as the  
5 "MOORE Plaintiffs"

6 9. Based upon information and belief Plaintiffs allege that business-entity defendants  
7 DAVLYN INVESTMENTS, INC, and DLGP AVENTINE, LLC., (hereinafter "Defendants"),  
8 are now, and were at all times herein mentioned business entities or corporations authorized to,  
9 and doing business within the County of Los Angeles, State of California and have been  
10 involved in the ownership, operation and management of the approximately 101-multi-family  
11 apartment units at the Subject Property. Defendant DAVLYN INVESTMENTS, INC., is a duly  
12 licensed real estate corporate broker in the State of California.

13 10. Plaintiffs are informed and believe, and based on thereon allege that at all times  
14 mentioned herein, each and every defendant and its agents, was the agent, servant, employee,  
15 co-conspirator, and/or representative of each and every other defendant and was, in doing the  
16 things complained of herein, acting within the course, scope and authority of that agency,  
17 service, employment, conspiracy, and/or representation, and each and every defendant was  
18 acting within his/her actual or apparent authority with the full knowledge and consent of the  
19 other defendants.

20 11. Plaintiffs are ignorant of the true names and capacities of certain parties who may later  
21 be identified as proper parties to this action and Plaintiff will pray leave of this court to amend  
22 this Complaint to allege their true names and capacities when ascertained pursuant to the  
23 provisions of Rule 19 of the Federal Rules of Civil Procedure.

24 ///

25 ///

26 ///



1 III. FACTUAL ALLEGATIONS

2 A. Introduction

3 12. The Subject Property is a "dwelling" within the meaning of 42 U.S.C. § 3602(b).

4 13. Defendants, acting individually or in concert, directly or through agents, have engaged in  
5 discrimination and retaliation against Plaintiffs because of Plaintiffs' disability or on account of  
6 Plaintiffs' race and color (Black/African Americans) or based on Plaintiffs' association with  
7 disabled tenants during Plaintiffs' tenancy and during the ownership and operation of the  
8 Subject Property by these Defendants.

9 14. Defendants' unlawful acts and conduct include, but not limited to, commission of the  
10 following discriminatory housing practices:

11 a. Denying Plaintiffs J.W. STURM's and M.M. MOORE's requests for reasonable  
12 accommodations in Defendants' policies, practices, or services, when the accommodations were  
13 reasonably necessary to afford the disabled tenants equal opportunity to the use and enjoyment  
14 of a dwelling;

15 b. Denying a dwelling to a person on account of race and color (Black/African-  
16 Americans;

17 c. Discriminating in the terms, conditions, or privileges of rental of a dwelling, or in  
18 the provision of services or facilities in connection with such dwelling based on race and color,  
19 and disability;

20 d. Evicting tenants and those associated with the tenants because of the tenants'  
21 disability, or race and color;

22 e. Aiding, abetting, inciting, compelling, or coercing the doing of any of the acts or  
23 practices declared unlawful by the federal Fair Housing Act and the California Fair Employment  
24 and Housing Act, or attempting to do so; and

25 f. Coercing, intimidating, threatening, or interfering with persons in the exercise or  
26 enjoyment of rights granted or protected under the Federal Fair Housing Amendments Act and  
27 California Fair Employment and Housing Act.  
28



1 15. Defendants negligently failed to hire, train, supervise, and discipline its agents and  
2 employees, and themselves, in order to conform to the operation of the Subject Property to the  
3 standard of care for the operation of multi-family residential dwellings in the housing industry.

4 16. Based on information and belief, Plaintiffs allege that Defendants continue to engage in  
5 rental practices that discriminate against, and provide differential treatment, to tenants on  
6 account of their race and color and disabled status, so as to constitute a continuing violation of  
7 the federal Fair Housing Act, the State of California Fair Employment, and Housing Act and the  
8 Unfair Business Practices Act.

9 **FACTS REGARDING "STURM PLAINTIFFS"**

10 17. In March of 2011, Plaintiff J.W. STURM moved from New York into apartment 146 of  
11 the Subject Property with her household including Plaintiff SANDRA STURM and resided  
12 there until October of 2011, when the STURM Plaintiffs were forced to involuntarily vacate the  
13 Subject property because they could no longer tolerate the discriminatory, harassing and  
14 retaliatory conduct and practices that they were subjected to by Defendants' agents at the  
15 Subject Property. Prior to moving into the apartment complex, Defendants agents lied to  
16 Plaintiff J.W. STURM that the entire complex was wheelchair and handicap accessible even for  
17 tenants who use wheelchairs to move about such as Plaintiff J.W. STURM.

18 18. Plaintiff J.W. STURM suffers from a chronic, disabling and regional pain syndrome,  
19 which severely affects her mobility and ability to walk up and down the stairs at the Subject  
20 Property. Plaintiff J.W. STURM is a disabled or handicapped person as defined under the  
21 federal Fair Housing Amendments Act (42 U.S.C. §§ 3601-3619); the California Fair  
22 Employment and Housing Act (Cal. Gov. Code § 12955 et seq.); the Unruh Civil Rights Act  
23 (Cal. Civ. Code § 51); and the Disabled Persons Act (Cal. Civ. Code § 54.1).

24 19. During the course of their tenancy, as a result of the handicap or disability of Plaintiff  
25 J.W. STURM and on behalf of the other handicapped tenants at the Subject Property, Plaintiff  
26 J.W. STURM requested and sought reasonable accommodation for handicap tenants in the form  
27 of accessible ramps and provision of hand rails on stair ways and steps on the rental premises to  
28



1 enable handicapped tenants and residents at the Subject Property move easily or freely in and  
2 out of the Subject Property like Defendants' non-handicapped tenants but Defendants' agents  
3 denied the STURM Plaintiffs' requests.

4 20. On several occasions during their tenancy, Plaintiff J.W. STURM slipped and fell as  
5 she struggled to use the stairs or steps to either go up or down the stairs leading to her unit.

6 21. During their tenancy, the STURM Plaintiffs witnessed Defendants' agents engaging  
7 in discriminatory and harassing mistreatment of their fellow tenants on account of race  
8 and color, especially the African American tenants at the Subject Property. For instance, (a)  
9 Defendants' agents would boast that they successfully refused to rent dwelling units at the  
10 Subject Property to African American tenants; (b) Defendants' agents would direct non-Blacks  
11 or non-African American tenants to spy on African American tenants and report to Defendants  
12 so agents of Defendants can evict African American tenants; (c) Defendants would falsely  
13 accuse African American tenants of vandalizing the Subject Property and causing the severe  
14 water leakages and plumbing problems at the Subject Property; (d) Defendants' agents and  
15 maintenance employees at the Subject Property stated that Defendants' property managers  
16 directed them to take photographs of any damages at the Subject Property and report that such  
17 damages were caused by African American tenants so that Defendants can attribute the damage  
18 to African American tenants/plaintiffs and use that as reason to evict the African American  
19 tenants; (e) Defendants' agents made false reports to the police and falsely accused African  
20 American tenants/plaintiffs of engaging in criminal activities; and (f) agents of the Defendants  
21 made derogatory comments of and concerning African American tenants/plaintiffs at the Subject  
22 Property.

23 22. When the STURM Plaintiffs protested against and complained about the foregoing  
24 discriminatory and harassing conduct and mistreatment against African American  
25 tenants/plaintiffs to agents of the Defendants, Defendants' agents advised them to focus on their  
26 businesses and then threatened Plaintiffs with severe consequences if the STURM Plaintiffs did  
27 not stop complaining about the mistreatment directed at their neighbors on account of race and  
28



1 color of the tenants.

2 23. As a result of the STURM Plaintiffs' continuous reasonable accommodation requests on  
3 behalf of handicapped tenants at the Subject Property and protests against Defendants'  
4 discriminatory and harassing mistreatment of African American tenants, agents of Defendants  
5 began to make false allegations against them and Defendants refused to repair the uninhabitable  
6 conditions at the STURM Plaintiffs' dwelling unit,

7 24. At all relevant times to this action and during their tenancy, the STURM Plaintiffs  
8 complained about the unsafe and uninhabitable conditions at the Subject Property to agents of  
9 the Defendants, including but not limited to: overflowing trash cans, debris coming out of  
10 showers and clogged kitchen sinks; broken and inoperable windows thereby exposing tenants to  
11 outside air; non-repair of non-functioning air conditioner or install proper smoke detectors;  
12 sewage back up in the master bedroom shower; broken dishwasher and defective old pipes and  
13 water leakages; uncleaned and unsanitary air ducts, defective and sparking electrical wires and  
14 outlets; inoperable oven severe roaches; and rats infestations, mold and mildew infestation, dirty  
15 and unsanitary swimming pool; and non-repair of constant gas leakages inside the dwelling unit.  
16 Defendants ignored Plaintiffs' numerous requests and refused to carry out timely repairs at  
17 Plaintiffs' dwelling unit.

18 FACTS REGARDING "MOORE PLAINTIFFS" AND "MACGEE PLAINTIFFS"

19 25. The MOORE Plaintiffs moved into the Subject Property in the Spring of 2008, until they  
20 were forced to involuntarily vacate the Subject property in November of 2011 because they  
21 could no longer tolerate the discriminatory, harassing and retaliatory conduct and practices that  
22 Defendants subjected Plaintiffs to on account of their race, color (African American /Black) and  
23 the handicap or disability of Plaintiff M.M. MOORE, or Plaintiffs' association with  
24 handicapped tenants.

25 26. The MAGEE Plaintiffs moved into the Subject Property in September of 2009, until they  
26 were forced to involuntarily vacate the Subject property in November of 2011, because they  
27 could no longer tolerate the discriminatory, harassing and retaliatory conduct and practices that  
28



1 Defendants subjected Plaintiffs to on account of their race, color (African American/Black) and  
2 Plaintiffs' association with handicapped tenants-plaintiffs during Plaintiffs' tenancy at the  
3 Subject Property.

4 27. Defendants' agents represented to the MOORE Plaintiffs that the Subject Property was  
5 handicap friendly and was accessible to handicap tenants, including wheelchair bound tenants  
6 and residents. However, when Plaintiffs moved into the Subject property they learned that the  
7 dwelling units and the entire Subject Property was not accessible to handicap people especially  
8 wheelchair-bound tenants.

9 28. During relevant times to this action and during the course of their tenancy, as a result of  
10 the handicap or disability of Plaintiff M.M. MOORE and on behalf of the other handicapped  
11 tenants at the Subject Property, the MOORE Plaintiffs requested and sought reasonable  
12 accommodation for handicap tenants in the form of accessible ramps and designated handicap  
13 parking spots for handicap tenants and providing for proper hand rails in stair ways and steps at  
14 the premises to enable handicapped tenants and residents at the Subject Property have equal  
15 access and benefits of the Subject Property with Defendants' non-handicapped tenants.

16 Defendants' agents denied the requests made by the MOORE Plaintiffs.

17 29. During Plaintiffs' tenancy at the Subject Property, Defendants' agents subjected African  
18 American tenants, including the African American plaintiffs in this action, to numerous  
19 incidents of discrimination and harassment on account of their race and color (African  
20 Americans/Black) .

21 30. For instance, (a) Agents of Defendants refused African American tenants/family  
22 members access to common areas at the Subject property while non-Blacks move freely and  
23 socialized with one another in the common areas at the Subject Property; (b) Agents of  
24 Defendants prohibited African American tenants and their minor children from being outside or  
25 playing outside their dwelling units, around the common areas of the Subject property, whereas  
26 minor children of non-African American descent were not so restricted; (c) Defendants' agents  
27 informed the MAGEE Plaintiffs that Defendants wanted to evict them because they complain  
28



1 too much about the conditions in their dwelling units and about the discriminatory housing  
2 policies and practices at the Subject Property including those directed at Plaintiffs; (d)  
3 Defendants employed a security team that intimidated African Americans tenants and some of  
4 the security officers used derogatory words like "kill niggers" and made demeaning comments  
5 of and concerning African American tenants; (e) Defendants denied MAGEE Plaintiffs'  
6 requests to be relocated to another dwelling unit when their apartment was severely flooded and  
7 their personal property destroyed by the floods even though Defendants relocated other non-  
8 Blacks/African American tenants and reimbursed these non-African American tenants for their  
9 damaged property as a result of the floods; (f) Defendants' agents regularly and falsely accused  
10 African American tenants of playing their music or televisions too loudly but they never  
11 complained about other non-African American tenants that were actually playing their musical  
12 equipment loudly and non-African American tenants were allowed to hold parties even into the  
13 early hours of the mornings and drinking and making loud noises without any reprimand or  
14 warnings from Defendants to the non-Black tenants; (g) Defendants' agents falsely accused  
15 African American tenants of subletting dwelling units to unauthorized occupants though  
16 defendants knew the allegation was false since no non-family members resided in the MAGEE  
17 unit; (h) Defendants falsely accuse African American tenants of vandalizing the Subject  
18 Property and/or causing the severe water leakages and plumbing problems at the Subject  
19 Property; (i) Defendants' agents ordered Plaintiffs to remove pets from their dwelling units  
20 whereas non-Blacks and non-African American tenants were allowed to keep pets in their  
21 apartments; (j) Defendants' agents made false reports to the police and falsely accuse African  
22 American tenants/plaintiffs of engaging in criminal activities; and (k) agents of the Defendants  
23 made derogatory comments of and concerning African American tenants/plaintiffs at the Subject  
24 Property.

25 31. The MAGEE and MOORE Plaintiffs complained about these discriminatory and  
26 harassing mistreatment of African American tenants to agents of the Defendants. Rather than  
27 address Plaintiffs' complaints, Defendants considered Plaintiffs as ring leaders and therefore  
28



1 intensified the harassment and discrimination Plaintiffs were subjected to including refusing to  
2 carry out needed and requested repairs to Plaintiffs' dwellings.

3 32. At all relevant times during their tenancy, the MOORE Plaintiffs complained about the  
4 unsafe and uninhabitable conditions at the Subject Property to agents of the Defendants,  
5 including but not limited to: severe bedbugs and roaches infestation; non-operable or  
6 functioning bathroom; lack of windows screens; severe plumbing problems, water leakages and  
7 defective pipes, broken toilet; and defective electrical wires and outlets. Defendants denied  
8 Plaintiffs' request and failed to carry out timely repairs at Plaintiffs' dwelling unit.

9 33. At all relevant times during their tenancy, the MAGEE Plaintiffs complained about the  
10 unsafe and uninhabitable conditions at the Subject Property to agents of the Defendants,  
11 including but not limited to: defective electrical wires, switches and outlets; severe bedbugs and  
12 roaches infestations; severe floods and water leakages causing wet carpets and bad odor inside  
13 dwelling unit; failure to repair non-functioning dishwasher which made food to be backing up  
14 on dishes; failure or refusal to fix or repair the defective toilet, tub and shower inside the  
15 apartment unit; refusal to repair garbage disposal and replace oven pilot; failure to stop gas leak  
16 which caused gas to seep out and pollute the dwelling unit; broken cabinet drawers in kitchen;  
17 broken vertical blinds in livingroom; refusal to replace non-functioning refrigerator in Plaintiffs'  
18 apartment unit. Defendants ignored Plaintiffs' numerous requests and refused to carry out timely  
19 repairs at Plaintiffs' dwelling unit.

20 34. As a result of the complaints lodged by Plaintiffs above, Defendants and their  
21 agents embarked on a campaign of harassment and intimidation directed at Plaintiffs.

22 35. For instance, Defendants' property managers and leasing agents, acting within the course  
23 and scope of their employment, did the following:

24 a. Defendants and their agents deliberately failed to or delayed maintenance or  
25 repairs of Plaintiffs' dwelling units even though Plaintiffs complained of uninhabitable  
26 conditions in their respective apartment units;

27 b. Threatening, intimidating, or interfering with Plaintiffs' enjoyment of their  
28



1 dwelling unit because of their race, color and handicap or association with handicapped tenants;

2 c. Regularly screaming and yelling at Plaintiffs' minor African American children  
3 and making derogatory comments of and concerning the African American children;

4 d. Defendants and their agents would regularly threaten to contact security  
5 officers, the police and children social services officials to arrest Plaintiffs or detain Plaintiffs'  
6 minor children; and

7 e. Regularly threatened to evict Plaintiffs if Plaintiffs lodged any complaints to  
8 third parties or any government agencies regarding the inhabitable conditions at the Subject  
9 Property or the discrimination and harassment Plaintiffs were subjected to.

10 36. Defendants issued notice to terminate the tenancy of the MAGEE Plaintiffs' tenancy  
11 because the Plaintiffs reported Defendants' unlawful housing discriminatory and harassing  
12 policies and practices on account of race, color and handicap to government agencies like the  
13 Housing Authority of the City of Los Angeles and the United States Department of Housing and  
14 Urban Development.

15 37. Even though Plaintiffs endured these unlawful mistreatment and restrictions placed on  
16 them on account of their race and color at the Subject Property, Defendants nevertheless  
17 threatened to evict Plaintiffs and their households from the Subject Property because minor  
18 African American children of Plaintiffs were observed outside of their apartment unit.

#### 19 INJURIES TO PLAINTIFFS

20 38. Though Defendants knew or reasonably should have known that their conducts, acts  
21 and omissions stated in this complaint were unlawful and were causing severe injuries and  
22 damages to Plaintiffs, Defendants failed to stop their unlawful actions but continued to  
23 recklessly disregard the protected rights of Plaintiffs in violation of federal and State of  
24 California fair housing laws.

25 39. At all relevant times to this action, Defendants, through their above-referenced  
26 actions, coerced, intimidated, threatened, or interfered with Plaintiffs in the exercise or  
27 enjoyment of, or on account of their having exercised or enjoyed any right granted or protected  
28



1 by applicable fair housing laws of the State of California and the Fair Housing Act, in violation  
2 of 42 U.S.C. § 3617.

3 40. Plaintiffs are "aggrieved persons" within the meaning of 42 U.S.C. § 3602(i) and  
4 California Gov. Code § 12927(g), and seek monetary, declaratory, and injunctive relief for  
5 housing discrimination by and through this action.

6 41. As a result of Defendants' unlawful conduct, Plaintiffs suffered, are continuing to suffer,  
7 and will in the future suffer, great and irreparable loss and injury, including, but not limited to,  
8 irreversible damage to their ability to find affordable housing; loss of their housing - housing  
9 they and their family have resided in and enjoyed for at least two or three years; deprivation of  
10 the full use and enjoyment of their tenancy; violation of the covenant of quiet enjoyment;  
11 invasion of the private right of occupancy; violation of their civil rights; severe emotional  
12 distress, humiliation, embarrassment, and severe bodily injury including migraine headaches,  
13 stomach aches, sleep loss, appetite loss, inability to work, and other special and general damages  
14 according to proof.

15 42. The discriminatory actions of the Defendants were intentional, willful, and taken in  
16 conscious, callous, reckless, deliberate or reckless disregard of the State of California and  
17 federally protected rights of Plaintiffs. Thus, Plaintiffs are entitled to punitive damages against  
18 the Defendants.

19 43. An actual case or controversy exists between the parties regarding Defendants' duties  
20 under federal and state fair housing laws. Accordingly, Plaintiffs are entitled to declaratory  
21 relief.

22 44. Unless enjoined, Defendants will continue to engage in the unlawful acts and the pattern or  
23 practice of discrimination described above. Plaintiffs have no adequate remedy at law.

24 Accordingly, Plaintiffs are entitled to injunctive relief.

25 ///

26 ///

27 ///



FIRST CAUSE OF ACTION FOR VIOLATION THE PROVISIONS  
OF 42 U.S.C 3604 OF TITLE VIII OF  
THE CIVIL RIGHTS ACT OF 1968

45. PLAINTIFFS incorporate by this reference all of the allegations contained in the preceding paragraphs and by this reference incorporate said allegations as part of this CAUSE OF ACTION.

46. At all relevant times to this action, and during the course of their residency at the Subject Property, Defendants and their agents have denied Plaintiffs' request for handicap accessible ramps, designated handicap parking spots and functioning handrails on stairs and steps as a reasonable accommodation of Plaintiffs J.W. STURM and M.M. MOORE and association with handicapped Plaintiffs.

47. DEFENDANTS enforced rules which discriminated against residents with disabilities, including and especially Plaintiffs J.W. STURM and M.M. MOORE and against those associated with handicapped Plaintiffs.

48. Under the provisions of 42 U.S.C. § 3604( c ):

"it shall be unlawful - ( c ) To make, print, or publish, or cause to be made, printed, or published any notice, statements, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitations, or discrimination based on . . . handicap, or an intention to make any such preference, limitation, or discrimination."

49. Defendants' establishment and enforcement of rules denying reasonable accommodation to handicap persons at the Subject Property, and in imposing additional terms and conditions related to their tenancy on the property managed by Defendants are discriminatory because they were based on Plaintiffs' disability, and this conduct caused Plaintiffs' injuries to be proven at the time of trial.

///

///

///



1 SECOND CAUSE OF ACTION  
2 FOR VIOLATION OF PLAINTIFFS' RIGHTS UNDER  
3 TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968, AS AMENDED,  
4 AGAINST ALL OF THE DEFENDANTS

5 50. Plaintiffs incorporate by this reference all of the allegations contained in the preceding  
6 paragraphs, and by this reference incorporate said allegations as part of this CAUSE OF  
7 ACTION.

8 51. Pursuant to the provisions of Title VIII of the Civil Rights Act of 1968, as amended and  
9 set forth in Title 42 of the United States Code, § 3604, et seq., Plaintiffs may not be denied the  
10 same benefits of full and equal accommodations, advantages, facilities, privileges, or services as  
11 a resident at the Subject Property because of Plaintiffs' race and color (Black, African  
12 American).

13 52. Defendants, by and through a pattern or practice of unlawful discrimination, have  
14 violated the Fair Housing Act in that they injured Plaintiffs by engaging in discriminatory  
15 housing practices.

16 53. As a direct and proximate result of the acts of all of the Defendants and each of them,  
17 Plaintiffs were injured in their health, strength, and activity, sustaining injury to their bodies,  
18 and shock and injury to their nervous system and person, including injuries of severe pain and  
19 mental anguish. These injuries will result in some permanent disability to Plaintiffs.

20 54. As a direct and proximate result of the acts of all of the Defendants and each of them, as  
21 herein alleged, Plaintiffs have incurred, and will incur, further medical and incidental expenses  
22 for the care and treatment of these injuries, the exact amount of which will be determined at the  
23 time of trial.

24 55. As a further direct and proximate result of the acts of all of the Defendants and each of  
25 them, as herein alleged, Plaintiffs have been, and will continue to be, prevented from attending  
26 to their usual occupation, and the amount of earnings which will be lost to Plaintiffs will be  
27 determined during trial.

28 56. As a direct and proximate result of the acts of all of the Defendants, and each of them,



1 Plaintiffs have suffered great damage to their reputation and embarrassment in their community,  
 2 all to their damage in the sum of money over the jurisdictional minimum of this court.

3 57. The acts of all of the Defendants and each of them as herein alleged, were willful,  
 4 wanton, malicious, and oppressive, and justify the awarding of punitive damages in the amount  
 5 to be determined at trial.

6  
 7 THIRD CAUSE OF ACTION  
 8 FOR VIOLATION OF CALIFORNIA GOVERNMENT  
 CODE § 12955( c )

9 58. Plaintiffs incorporate by this reference all of the allegations contained in the preceding  
 10 paragraphs and by this reference incorporate said allegations as part of this CAUSE OF  
 11 ACTION.

12 59. California's Government Code § 12955( c ) provides that:

13 "It shall be unlawful:

14 ( c ) For any person to make, print, or publish, or cause to be made, printed, or  
 15 published any notice, statement, or advertisement, with respect to the sale or  
 16 rental of a housing accommodation that indicates any preference, limitations, or  
 17 discrimination based on . . . disability, or an intention to make any such  
 18 preference, limitation, or discrimination."

19 60. At all relevant times to this action, and during the course of Plaintiffs J.W. STURM and  
 20 M.M. MOORE's residency at the Subject Property, Defendants and their agents refused to  
 21 (reasonably accommodated handicapped tenants like Plaintiffs J.W. STURM and M.M.  
 22 MOORE due to their disability) at the Subject Property.

23 61. Defendants enforced rules which discriminated against persons with disabilities,  
 24 including Plaintiffs J.W. STURM and M.M. MOORE, which rules denied handicap accessible  
 25 access or ramps, designated handicap parking spots and functioning handrails on stairs or steps a  
 26 the Subject Property as reasonable accommodation of Plaintiffs' disability.

27 62. Defendants' establishment and enforcement of rules limiting the activities of disabled  
 28



1 persons on the Subject Property, and in imposing additional terms and conditions related to their  
2 residency at the Subject Property are discriminatory because they were based on Plaintiffs J.W.  
3 STURM and M.M. MOORE's disability, and this conduct caused Plaintiffs' injuries to be  
4 proven at the time of trial.

5  
6 FOURTH CAUSE OF ACTION FOR  
7 VIOLATION OF CALIFORNIA FAIR EMPLOYMENT  
8 AND HOUSING ACT UNLAWFUL HOUSING DISCRIMINATION  
(Cal. Gov. Code § 12955, et seq.)

9 63. Plaintiffs reallege and incorporate by reference all of the preceding paragraphs as though  
10 fully set forth herein in this CAUSE OF ACTION.

11 64. Plaintiffs are aggrieved persons as defined in Cal.Gov.Code § 12927(g), in that they  
12 claim injury as a result of Defendants' discriminatory housing practices.

13 65. Through Defendants' above-referenced conduct as alleged herein, Defendants have  
14 violated the California Fair Employment and Housing Act, California Government Code §§  
15 12926-95, including but not limited to discriminating against Plaintiffs.

16 66. The Defendants' treatment of Plaintiffs in refusing to provide them with the same  
17 advantages, privileges, or services, and in imposing additional terms and conditions related to  
18 Plaintiffs' residency at the Subject Property are discriminatory because it is based on Plaintiffs  
19 J.W. STURM and M.M. MOORE's disability and handicap.

20 67. As a direct and proximate result of the acts of all of the Defendants and each of them,  
21 Plaintiffs were injured in their health, strength, and activity, sustaining injury to their body, and  
22 shock and injury to their nervous system and persons, including injuries of severe pain and  
23 mental anguish. These injuries will result in some permanent disability to Plaintiffs.

24 68. As a direct and proximate result of the acts of all of the Defendants and each of them, as  
25 herein alleged, Plaintiffs have incurred, and will incur, further medical and incidental expenses  
26 for the care and treatment of these injuries, the exact amount of which will be determined at the  
27 time of trial.



69. As a further direct and proximate result of the acts of all of the Defendants and each of them, as herein alleged, Plaintiffs have been, and will continue to be, prevented from attending to their usual occupation, and the amount of earnings which will be lost to Plaintiffs will be determined during trial.

70. As a direct and proximate result of the acts of all of the Defendants, and each of them, Plaintiffs have suffered great damage to their reputation and embarrassment in their community, all to their damage in the sum of money over the jurisdictional minimum of this court.

71. The acts of all of the Defendants and each of them as herein alleged, were willful, wanton, malicious, and oppressive, and justify the awarding of punitive damages in the amount to be determined at trial.

FIFTH CAUSE OF ACTION  
FOR VIOLATION OF THE PROVISIONS OF THE UNRUH  
CIVIL RIGHTS ACT AGAINST THE DEFENDANTS  
(Cal. Civil Code § 51; 54.3 et seq.)

72. Plaintiffs incorporate by this reference all of the allegations contained in the preceding paragraphs, and by this reference incorporate said allegations as part of this CAUSE OF ACTION.

73. Defendants owned, operated and managed the Subject Property, which is a business establishment under the Unruh Civil Rights Act.

74. Defendants' acts and omissions described herein constitute discriminatory practices in violation of Cal. Civil Code §§ 54.3.

75. Specifically, Defendants' treatment of Plaintiffs in refusing to provide them with the same advantages, privileges, or services, and in imposing additional terms and conditions related to their residency at the Subject Property are discriminatory because it is based on Plaintiffs J.W. STURM and M.M. MOORE's disability, as well as the association with disabled Plaintiffs and on account of the race and color of the Plaintiffs.

76. As a direct and proximate result of the acts of all of the Defendants and each of them,



1 Plaintiffs were injured in their health, strength, and activity, sustaining injury to their body, and  
2 shock and injury to their nervous system and persons, including injuries of severe pain and  
3 mental anguish. These injuries will result in some permanent disability to Plaintiffs.

4 77. As a direct and proximate result of the acts of all of the Defendants and each of them, as  
5 herein alleged, Plaintiffs have incurred, and will incur, further medical and incidental expenses  
6 for the care and treatment of these injuries, the exact amount of which will be determined at the  
7 time of trial.

8 78. As a further direct and proximate result of the acts of all of the Defendants and each of  
9 them, as herein alleged, Plaintiffs have been, and will continue to be, prevented from attending  
10 to their usual occupation, and the amount of earnings which will be lost to Plaintiffs will be  
11 determined during trial.

12 79. As a direct and proximate result of the acts of all of the Defendants, and each of them,  
13 Plaintiffs have suffered great damage to their reputation and embarrassment in their community,  
14 all to their damage in the sum of money over the jurisdictional minimum of this court.

15 80. The acts of all of the Defendants and each of them as herein alleged, were willful,  
16 wanton, malicious, and oppressive, and justify the awarding of punitive damages in the amount  
17 to be determined at trial.

18 SIXTH CAUSE OF ACTION  
19 FOR NEGLIGENCE AGAINST THE DEFENDANTS

20 81. Plaintiffs incorporate by reference each and every allegation contained in preceding  
21 paragraphs and made a part of this CAUSE OF ACTION.

22 82. Defendants owed, and continues to owe Plaintiffs a non-delegable duty to operate the  
23 Subject Property in a manner that is free from unlawful discrimination and to employ, train, and  
24 supervise their directors, employees, agents, and itself to fulfill that duty. Defendants breached  
25 that duty by engaging in a pattern and practice of discrimination on the basis of race, color or  
26 handicap or disability as fully set forth and alleged herein.

27 83. Defendants' negligence includes but is not limited to: a) Defendants' negligent failure to  
28



1 supervise themselves regarding compliance with the requirements of federal and state fair  
 2 housing laws; b) Defendants' negligent failure to supervise agents and employees regarding  
 3 compliance with the requirements of federal and state fair housing laws; and c) Defendants'  
 4 negligent failure to operate the Subject Property in conformity with accepted industry custom  
 5 and standards.

6 84. As a result of Defendants' negligence, Plaintiffs have suffered, and continues to suffer  
 7 injury and damages including but not limited to severe emotional distress, pain and suffering,  
 8 and economic losses.

#### 10 DEMAND FOR TRIAL BY JURY

11 85. Pursuant to Federal Rules of Civil Procedure, Rule 38(b), Plaintiffs demand a trial by  
 12 jury on all issues triable of right by a jury under the Constitution, and laws of the United States  
 13 of America.

#### 15 WHEREFORE, Plaintiffs pray that this Court:

- 16 1. Declares that the conduct of Defendants as set forth above violates the Fair  
 17 Housing Act, as amended, 42 U.S.C. §§ 3601, et seq., the California Fair Employment and  
 18 Housing Act, Cal.Gov't Code § 12955, et seq., and the California Unruh Civil Rights Act,  
 19 Cal.Civ.Code § 51, et seq.
- 20 2. Enter an injunction against Defendants, their agents, employees and successors,  
 21 and all other persons or entities in active concert or participation with any of them, from  
 22 discriminating on the basis of disability, race or color in violation of the Fair Housing Act, as  
 23 amended, 42 U.S.C. §§ 3601, et seq. and the applicable laws of the State of California.
- 24 3. Award monetary damages and such other damages in an amount equal to the  
 25 total damages shown by the evidence presented herein at the time of trial.
- 26 4. Award exemplary damages against the Defendants herein in an amount in excess  
 27 of \$500,000.00 pursuant to the provisions of law;

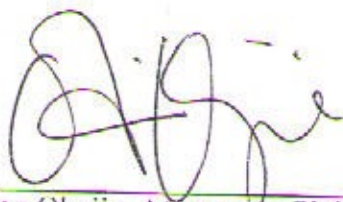


- 1           5.     Award Plaintiffs their costs, including attorney fees, expert fees and costs in an
- 2     amount to be determined based upon the evidence presented at the time of trial;
- 3           6.     Award any other such damages as may be allowed by federal and California law;
- 4           7.     Award such other and further relief as the Court deems just and proper.

5     Respectfully Submitted:

6     Dated: August 23, 2012

7                     LAW OFFICES OF ODION OKOJIE

8                     

9                     \_\_\_\_\_  
10                    Odion Okojie, Attorney to Plaintiffs  
11                    JULIE WORTH STURM, ET AL.  
12



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dolly Gee and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

**CV12- 7305 DMG (AGR~~x~~)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

---

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



Law Offices of Odion L. Okojie  
 Odion L. Okojie, SBN: 164931  
 880 West First Street, Suite 313  
 Los Angeles, California 90012  
 Tel: (213) 626-4100  
 Fax: (213) 626-6900

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

Julia Worth STURM, an individual; Sandra STURM,  
 an individual; Hope MAGEE, an individual; Paulyisha  
 SHIAW, an individual; [See Attached Form CV01Aii]  
 PLAINTIFF(S)

v.

Davlyn Investments, Inc, a California Corporation;  
 DLGP Aventine, LLC, a California Limited Liability  
 Company; [See Attachment Form CV01Aii]

DEFENDANT(S).

CASE NUMBER

CV12-7305-DMG (AGR)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Odion L. Okojie, whose address is 880 West First Street, Suite 313, Los Angeles, California 90012. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: AUG 24 2012

By: Manily L. Sum

Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].



**ATTACHMENT FORM CV01Ai**

**ADDITIONAL PLAINTIFFS**

**JACOREY SHAW**, an individual;  
**CHARLES SHAW**, an individual;  
**MARLENE MICHELE MOORE**, an individual;  
**ALFONZIA JASON MOORE**, an individual;  
**PAUL PERSON**, an individual;  
**MARLENE MOORE**, an individual;  
**MICHELE PERSON**, an individual; and  
**ALMALIA OCON**, an individual;

**Plaintiffs**

vs.

**ADDITIONAL DEFENDANTS:**

**and others to be joined under Rules 19  
of the Federal Rules of Civil Procedure**

**Defendants**

**Attachment to CV01A**

---



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA CIVIL COVER SHEET																													
<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> ) STURM, Julia W; STURM, Sandra; MAGEE, Hope; SHAW, Paulysha; SHAW, Jacorey; SHAW Charles; MOORE Marlene M; MOORE Alfonzia J; PERSON Paul; MOORE Marlene; PERSON Michelle; and OCON Almaia			<b>DEFENDANTS</b> Davlyn Investments, Inc; DLGP Aventine, LLC.																										
<b>(b) Attorneys</b> (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Law Offices of Odion L. Okojie, 880 West First Street, Suite 313, Los Angeles, California 90012, (213) 626-4100; David Iyalomhe & Associates, 880 West First Street, Suite 313, Los Angeles, CA 90012, (213) 626-4100			Attorneys (If Known)																										
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)			<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.) <table border="1"><thead><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr></thead><tbody><tr><td>Citizen of This State</td><td><input type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business in this State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business in Another State</td><td><input type="checkbox"/> 5</td><td><input type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></tbody></table>				PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																								
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																								
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																								
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																								
<b>IV. ORIGIN</b> (Place an X in one box only.) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																													
<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)																													
<b>CLASS ACTION</b> under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <b>MONEY DEMANDED IN COMPLAINT:</b> \$ 500,000.00																													
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) 42 U.S.C. Section 3601 et seq., housing discrimination in violation of Fair Housing Act																													
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)																													
<b>OTHER STATUTES</b> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<b>CONTRACT</b> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise <b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>TORTS</b> <b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<b>TORTS</b> <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input checked="" type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609																								

CV12-7305

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.



VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes  
If yes, list case number(s):

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☐ No ☒ Yes  
If yes, list case number(s): Gutierrez, et al. v. Davlyn Investments, Inc., et al CV11-1365 GW(AJWx)

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☒ A. Arise from the same or closely related transactions, happenings, or events; or  
☒ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

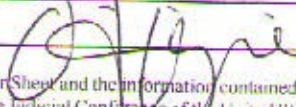
(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
County of Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties  
**Note: In land condemnation cases, use the location of the tract of land involved.**

X. **SIGNATURE OF ATTORNEY (OR PRO PER):**  Date August 23, 2012

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended, plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))